

March 18, 2015

Via ECF

Magistrate Judge Gary R. Brown
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Merolla v. Nassau County, et al.
Docket No.: 13cv05360
LJ File No.: 0153-1346

Dear Judge Brown:

We represent Defendants COUNTY OF NASSAU; NASSAU COUNTY POLICE DEPARTMENT; Detective Sergeant JOANNA DISTLER; Police Officer GARY RESNICK; Detective Lieutenant RALPH T. HOFFMAN; Lieutenant Detective DOMINICK CALOBRISI; Sergeant LUKAS GUBBA; Police Officer AVERILL THOMPSON; Ambulance Medical Technician KEVIN KEYER; Police Officer ROBERT MATALEVICH; Detective GEORGE DARIENZO; Inspector EDWARD DORDON; Detective JEFFREY RIOS; Detective KENTON LOCKE; and Detective RHODERICK BARRETT ("County Defendants") in the above referenced matter. We write in Opposition to Plaintiff's motion (ECF # 52), which requests leave to exceed the 10 deposition limit imposed by Rule 30(a)(2)(A)(i).

As noted in footnote three of Plaintiff's motion, Plaintiff is requesting to take the depositions of thirty-two fact witnesses. There are fourteen individual Defendants (and two Municipal Defendants). While the County Defendants agree that Plaintiff should be entitled to take the depositions of the fourteen individual Defendants, eighteen additional depositions is excessive and will impose a significant financial cost on the County Defendants. "The mere fact that many individuals may have discoverable information does not necessarily entitle a party to depose each such individual." *Sigala v. Spikouris*, 2002 WL 721078, at *3 (E.D.N.Y. Mar. 7, 2002)(citations and quotations omitted); *RxUSA Wholesale, Inc. v. McKesson Corp.*, 2007 WL 1827335, at *2 (E.D.N.Y. June 25, 2007)("even though a witness may have discoverable information, that fact alone does not always entitle a party to depose that individual."). "The purpose of Rule 30(a)(2)(A) is to enable courts to maintain a tighter rein on the extent of discovery

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and to minimize the potential cost of wide-ranging discovery.” *Sigala*, 2002 WL 721078, at *3 (citations and quotations omitted). While Plaintiff insists that she will bear the costs of these depositions, an attorney for the County Defendants will need to prepare for and attend each deposition.

It is respectfully submitted that the Court should deny Plaintiff’s request to depose thirty-two fact witnesses based on prejudice to the County Defendants. The County Defendants respectfully request that Plaintiff be limited to twenty depositions. In the event Your Honor permits Plaintiff to take more than twenty depositions, it is respectfully submitted that the non-party depositions should be limited to two hours, with one hour for Plaintiff and one hour for Defendants. Additionally, it is respectfully submitted that Plaintiff, in an effort to reduce travel costs, should attempt to schedule more than one deposition per day.

Thank you for your consideration.

Respectfully submitted,

/s/

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